

# **EXHIBIT 7**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STAR AUTO SALES OF : Civil Action No.:  
BAYSIDE, INC. (d/b/a : 1:18-cv-05775-ERK-CLP  
STAR TOYOTA OF :  
BAYSIDE), STAR AUTO :  
SALES OF QUEENS, :  
LLC (d/b/a STAR :  
SUBARU), STAR HYUNDAI :  
LLC (d/b/a STAR :  
HYUNDAI), STAR NISSAN, :  
INC. (d/b/a STAR :  
NISSAN), METRO :  
CHRYSLER PLYMOUTH :  
INC. (d/b/a STAR :  
CHRYSLER JEEP DODGE), :  
STAR AUTO SALES OF :  
QUEENS COUNTY LLC :  
(d/b/a STAR FIAT) and :  
STAR AUTO SALES OF :  
QUEENS VILLAGE LLC :  
(d/b/a STAR :  
MITSUBISHI), :

Plaintiffs, :

vs. :

VOYNOW, BAYARD, WHYTE :  
AND COMPANY, LLP, HUGH :  
WHYTE, RANDALL FRANZEN :  
AND ROBERT SEIBEL, :

Defendants. :

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FRIDAY, FEBRUARY 3, 2023

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(Caption continued on page 2.)

Job No. CS5701935

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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5 FRIDAY, FEBRUARY 3, 2023

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8 Oral Deposition of JACQUELINE CUTILLO, as  
9 corporate designee for Metro Chrysler Plymouth, Inc.,  
10 d/b/a Star Chrysler Jeep Dodge, taken at Marshall  
11 Dennehey, 2000 Market Street, Suite 2300, Philadelphia,  
12 Pennsylvania, commencing at 1:43 p.m., before Lauren  
13 Sweeney, a Court Reporter and Notary Public.  
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1 check to Debbie, 25,000 of it was repaid back by Debbie.  
2 There was an additional \$2,500 loan for Debbie that made  
3 it a remaining balance of \$7,500, which she did not pay  
4 back and she made a fraudulent bank entry.

5 Q. Okay. So let me rephrase that question.

6 For the loan for which there is a check  
7 signed by Steve Koufakis payable to Debbie Theocharis in  
8 the amount of \$30,000, the company received repayment of  
9 \$25,000 of that loan?

10 A. That is correct.

11 Q. Okay. And then the company contends that Debbie  
12 made an authorized additional loan to herself in the  
13 amount of \$2,500, for which she has not repaid it.

14 A. Along with the remaining \$5,000 from the \$30,000  
15 load.

16 Q. Correct.

17 A. Correct.

18 Q. Okay. And was that additional repayment -- I'm  
19 sorry, that additional 2,500 paid to Debbie by a check or  
20 by cash?

21 A. She took it out of the deposit and charged  
22 herself.

23 Q. With cash?

24 A. Cash.

25 Q. All right. On what basis does the company

JACQUELINE CUTILLO

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1 contend that Voynow is liable for the \$98,000 listed in  
2 the damage chart?

3 MR. LABUDA: Objection, but you can  
4 answer.

5 THE WITNESS: I'd like to defer that to  
6 the expert, but I'll give my opinion, which is  
7 Voynow would come in multiple times a year,  
8 review all the books and records and schedules.  
9 They would look at the service and parts  
10 receivable schedule, which identified Debbie  
11 Theocharis along with the employee advance  
12 schedule. Off the top of my head that's what I  
13 can come up with.

14 BY MS. FITZGERALD:

15 Q. If you know, I referred you to that executive  
16 summary report that the investigation had done for  
17 Filardo and for Carmen.

18 Was a similar report done for Debbie?  
19 Because I didn't see one in the production.

20 A. No. Not that I'm aware of, no.

21 Q. Has the company made any attempt to have Debbie  
22 criminally charged?

23 A. Yes.

24 Q. And what has the company done in that regard?

25 A. We provided information in regards to the theft